

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

PARIS GARDNER,)
)
)
Plaintiff,)
)
vs.) Case No.: 08 C 50006
)
)
OFFICER BEN JOHNSON, OFFICER)
STEVE JOHNSON, and THE CITY)
OF ROCKFORD, ILLINOIS,)
)
Defendants.)

ANSWER TO COMPLAINT

NOW COME the Defendants, OFFICER BEN JOHNSON, OFFICER STEVE JOHNSON, and the CITY OF ROCKFORD, by and through their attorneys, City of Rockford Department of Law, Patrick W. Hayes, Legal Director, and Angela L. Hammer, Assistant City Attorney, and for their Answer to Complaint, state as follows:

1. The Defendants admit the allegations contained in paragraph 1 of Plaintiff's Complaint.
2. The Defendants neither admit nor deny the allegations contained in paragraph 2 of Plaintiff's Complaint, but demand strict proof thereof.
3. The Defendants admit the allegations contained in paragraph 3 of Plaintiff's Complaint.
4. The Defendants deny the allegations contained in paragraph 4 of Plaintiff's Complaint.

5. The Defendants deny the allegations contained in paragraph 5 of Plaintiff's Complaint.

6. The Defendants deny the allegations contained in paragraph 6 of Plaintiff's Complaint.

7. The Defendants deny the allegations contained in paragraph 7 of Plaintiff's Complaint.

8. The Defendants deny the allegations contained in paragraph 8 of Plaintiff's Complaint.

9. The Defendants admit the allegations contained in paragraph 9 of Plaintiff's Complaint.

10. The Defendants deny the allegations contained in paragraph 10 of Plaintiff's Complaint.

11. The Defendants deny the allegations contained in paragraph 11 of Plaintiff's Complaint.

12. The Defendants deny the allegations contained in paragraph 12 of Plaintiff's Complaint.

13. The Defendants deny the allegations contained in paragraph 13 of Plaintiff's Complaint.

14. The Defendants deny the allegations contained in paragraph 14 of Plaintiff's Complaint.

15. The Defendants deny the allegations contained in paragraph 15 of Plaintiff's Complaint.

16. The Defendants deny the allegations contained in paragraph 16 of Plaintiff's Complaint.

17. The Defendants deny the allegations contained in paragraph 17 of Plaintiff's Complaint.

18. The Defendants deny the allegations contained in paragraph 18 of Plaintiff's Complaint.

19. The Defendants deny the allegations contained in paragraph 19 of Plaintiff's Complaint.

20. The Defendants deny the allegations contained in paragraph 20 of Plaintiff's Complaint.

21. The Defendants deny the allegations contained in paragraph 21 of Plaintiff's Complaint.

22. The Defendants admit the allegations contained in paragraph 22 of Plaintiff's Complaint.

COUNT I

§1983 Excessive Force Claim Against Defendant Ben Johnson

23. The Defendant, BEN JOHNSON, hereby restates and re-alleges his answers to paragraphs 1 through 22 as his answers to paragraphs 1 through 22 of Count I, as if fully rewritten herein.

24. The Defendant, BEN JOHNSON, denies the allegations contained in paragraph 24 of Count I of Plaintiff's Complaint.

25. The Defendant, BEN JOHNSON, denies the allegations contained in paragraph 25 of Count I of Plaintiff's Complaint.

COUNT II

§1983 False Arrest Claim Against Defendant Ben Johnson

26. The Defendant, BEN JOHNSON, hereby restates and re-alleges his answers to paragraphs 1 through 22 of Count I as his answers to paragraphs 1 through 22 of Count II, as if fully rewritten herein.

27. The Defendant, BEN JOHNSON, denies the allegations contained in paragraph 27 of Count I of Plaintiff's Complaint.

28. The Defendant, BEN JOHNSON, denies the allegations contained in paragraph 28 of Count I of Plaintiff's Complaint.

COUNT III

Monell Claim Against the City of Rockford

29. The Defendant, CITY OF ROCKFORD, hereby restates and re-alleges its' answers to paragraphs 1 through 22 as its' answers to paragraphs 1 through 22 of Count III, as if fully rewritten herein.

COUNT IV

§1983 Conspiracy Claim Against Defendant Officers

30. The Defendants hereby restates and re-alleges their answers to paragraphs 1 through 22 as their answers to paragraphs 1 through 22 of Count IV, as if fully rewritten herein.

31. The Defendants deny the allegations contained in paragraph 31 of Count IV of Plaintiff's Complaint.

COUNT V

Equal Protection Claim Against Defendant Officers

32. The Defendants hereby restates and re-alleges their answers to paragraphs 1 through 22 as their answers to paragraphs 1 through 22 of Count V, as if fully rewritten herein.

33. The Defendants deny the allegations contained in paragraph 33 of Count V of Plaintiff's Complaint.

34. The Defendants deny the allegations contained in paragraph 34 of Count V of Plaintiff's Complaint.

Dated: March 10, 2008

Officer Ben Johnson, Defendant,
Officer Steve Johnson, Defendant,
City of Rockford, Defendant,

By: /s/ Angela L. Hammer
Angela L. Hammer, Assistant City Attorney

City of Rockford Department of Law
425 E. State Street
Rockford, Illinois 61104
(815) 987-8056